Previous references.

1902.
Sep. Rev.
(Excise.)

File No. 24 of 02-03.

Serial Nos. 1–3.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–3.

Part B. for

SUBJECT.

Delay in the institution of Excise cases in the Chikmagalur Tk. Magistrate's Court and degradation of Excise Asst. Inspector Concerned.

Table of Contents

Sl.1. No. Ex. 242 dt. 21-12-02. To the Excise Comm.r.
Requesting to submit a full report of the circumstances under which there was such delay in initiating the proceedings enjoined by law & asking whether the Asst. Inspector was alone accountable for the delay in this Connection

Sl.2. No. 686-24 dt. 20-7-03. From the Excise Comm.r
Submitting copies of correspondence & stating that not only Asst. Inspector, but also Ag. Asst. Inspector, & Inspector are responsible for the delay in instituting prosecution in the Ex.50 G. R. S. 58 35 cases in question

Sl.3 No. Ex. 118 dt. 6-8-03; To the Excise Comm.r
Recording the above.

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note

Branch Excise

Subject Delay in the institution of Cases by Excise Peons in the Chikmagalur Magistrate's Courts

At the time of his inspection of the Chikmagalur Taluk Magistrate's Courts he found the 2nd Commissioner found that 35 Cases were instituted on a single day ie 18th March. A full report was called upon this from the Excise Comr. In his letter no 686/24 dt 27/7/03 under disposal the Excise Comr reports that the Deputy Subedar Rao, Asst Deputy Lakshminarayana Rao Asst Deputy Excise in Narasimharaja are

responsible for the delay
& that they have also
been suitably punished

Copies of earlier correspondence
have also been sought by
the Police Force which
explains to some extent
the delay

Sealed
Tom
28/7/03

Submission of copies of correspondence
is not the case
& is prohibited by SP no 595.
9/2
& 22/4/79 (P89 new
manual). It is not clear
from the correspondence that
both the punishments
actually inflicted. The
delay in the institution of
the case seems to be due
to the fact that the Excise
Inspector instead of

undertaking the case on his own
responsibility as authorized by
the Excise Rules, refund each
case of the Original offence
for which

Sec'y. 29/7

29/7/03

I think this may be recorded.

The 2nd Councillor

148
30-7-03

Yes. C
30/7/03

31/7

Dull
9/11
Submitted to Dewan with a draft.

11916
1.8.03

4/8/3

O

approved
20.XI.02

Draft submitted to H.E. for approval 21/11/02

Sent to C.S. 21.11.02

Prov: of the Govt of Mysore

(Fair draft put up 21.11.02)

Order 242 & 21/11/02

No less than 35 prosecutions relating to offences against the Excise law seemed to have been instituted in the Chikmagalur Taluq Court during the months of July 1902 - These offences seem to have been committed so far back as January and February 1902 - The Appellate Authority responsible for the delay is said to have been reduced to one Assistant Superintendent - The Superintendent [illegible] would be glad enough to submit to Govt at an early date a full report of the circumstances under which there was such considerable delay in initiating the proceedings enjoined by law - As a question whether in this connection the Appellate Authority was alone responsible for the delay

[illegible]

Director

19/11/02

To the Govt

20/11

Fair draft 2.

Serial No. 1

Order: No. 24/2/4

Dy. 21st November 02

No less than 35 proceedings relating to offences against the Excise Law, would appear to have been instituted in the Chittagong Taluk Magistrates' Courts on a single day - viz. 18th July 02. These offences seem to have been committed so far back as January & February 02

The Asstt Inspector responsible for the delay is said to have been reduced to a

Sub Inspectorships
The Excise Commr will
be good enough to
submit to Govt
at an early date
a full report of
the circumstances
under which there
was such Consi-
derable delay in
initiating the proceedings
enjoined by law. If
is a question whether
in this Connection the
Asstt Inspr was alone
accountable for the
delay.

By H.V.N.
20/1/20

To The Excise Commr
in Mysore

Ex 508 25/7/03

1903

4

From P. N. Purnaya Esqre BA
Excise Commissioner
in Mysore

To H. V. Kunjundayya Esq MA ML
Secretary to the Govt of
H. H. The Maharaja of Mysore
General & Revenue Depts

Dated 20th July 1903

Despatched 23rd do

Received Serial No. 2

General No. 686 with enc:

No. 24

~~Enclosure No~~

Subject

With reference to Government Proceedings No: 242/Ex & 21st November 1902, Submits certain Copies of Correspondence and states that not only Assistant Inspector Lakshmi Narayappa, but also Acting Assistant Inspector Narasimhaiya and Inspector Subba Rao are responsible for the delay in instituting prosecution in the 35 Cases in question.

Copies
25-7-03

Note put up
True
28/7/03

MGCPB—50 reams.—6-12-02.

Excise Commissioner's office
Bangalore, Dated 20th July 1903.

No. 6 E. 6
7 4

From

P. N. Purnaiya Esquire BA.
Excise Commissioner
in Mysore

To

H. V. Nunjundayya Esquire MA. BL.
Secretary to the Government of
His Highness the Maharaja of Mysore
General and Revenue Department

Sir,

With reference to Government Proceedings no: 242/Ex, dated 21st November 1902, I have the honour to submit herewith copy of the marginally-noted Correspondence, from which it will be seen that not only Assistant Inspector Lakshminaranappa, but also acting Assistant Inspector Narasimhaiya and Inspector SubbaRao are responsible for the delay in instituting prosecution in the Cases in question. They have all been suitably punished. Lakshmi Naranappa was not degraded in

1 Docket no: 3306/58, & 4th December 1902, to the Deputy Comr. Kadur District.
2. Docket no: 169, & 25th April 1903, from the Deputy Comr. Kadur District.
3. Letter no: 170 & 25th April 1903, from the Deputy Comr. Kadur District
4. Mr. BavaRao's letter no: 119 & 11th April 03 to the Dy Comr. Kadur District.
5. Docket no: 6576/107, & 29th April 1903 to Deputy Comr. Kadur District.
6. Docket no: 5 & 9th July 1903, from the Deputy Commissioner Kadur District.

in Connection with these Cases but on account of negligence, culpable delay and want of managing power noticed in ~~——~~ different other matters.

I have the honour to be,

Sir,

your most obedient servant

J M Bruce Jr

Excise Commissioner

Vz in Mysore

From

The Excise Commissioner

in Mysore

To

The Deputy Commissioner

Kadur District.

Dated 4/5 december 1902.

No: 3306/58

The Deputy Commissioner's docket No: 96, dated 2nd instant.

Has the honour to state that it seems to have been mentioned to the 2nd Councillor by Mr. BavaRow that Lakshami narasappa's degradation was due also to culpable delay in instituting prosecution in about 35 cases taken up by him. There is nothing on the file received with the above to show that there was such delay on his part. Requests therefore further information on this point together with Laksmi narasappas explanation.

(Sd) S. Venkata Runga Iyengar

For Excise Commissioner

in Mysore

From

M. Naraen Ras Esquire

Deputy Commissioner

Kadur District

To

P. N. Purnaiya Esquire
Excise Commissioner
in Mysore.

Dated 25/27th April 1903

General no. 169

Sir,

In reply to your docket no: 3306/58 of the 4th december 1902, I have the honour to inform you that when Assistant Inspector Lakshmi Naranappa's degradation was ordered in September 1902, the question of his having delayed the institution of Criminal pro-ceedings in the Cases referred to in my letter no: 170 of this days dates had not been brought to notice. The records forwarded with this office letter no: 96 of the 2nd december 1902 Contain the reasons for his degradation

I have the honour to be,

Sir,

your most obedient servant
(Sd) M. Narain Rao
Deputy Commissioner
Kadur District

Deputy Commissioner's office
Kadur District.
Dated 25th April 1903

From

From

M. Narain Rao Esquire

Deputy Commissioner

Kadur District

To

P. N. Purnaya esquire.

Excise Commissioner

in Mysore

Dated 25-4-1903

General No: 2170.

Sir

Referring to your official memo no: 3009/50 of the 22nd November 1902, forwarding for early report Copy of Government order no: 262/Excise dated 21st idem, regarding delay in instituting prosecutions in certain Excise Cases before the Amildar-Magistrate of the Chickmagalur Taluk, I have the honour to forward herewith Copy of Assistant Commissioner Mr. Bavakao's docket no: 119 of the 11th (received on the 19th) instant and the connected Kannada papers and to state as follows:—

2. Twenty-eight charge sheets (not 35 as mentioned in the Proceedings) are reported to have been taken by Assistant Inspector Narasimmaiya of the Aldur circle on the 23rd June 1902 before the Amildar-Magistrate of the Chickmagalur Taluk, though they were actually taken on the

the Magistrate's file on the 1st July 1902. All these cases with the exception of 2 were detected by assistant Inspector Laksmu Naranappa who handed over charge of his office on the 30th March 1902. Sub-Inspector Varadachar was in charge of the Alder circle till the 11th April 1902 when Assistant Inspector Nara-simhaya relieved him. The dates on which the Assistant Commissioner's order directing the prosecution of the offenders in these 28 Cases reached the Assistant Inspectors Concerned, are noted below: —

	Dates :	No : of Cases.
Assistant Inspector Laksmu Naranappa.		
	February 25th —	1
	March 1st —	6
	" 14th —	7
	" 15th —	2
	" 18th —	5
		21
Sub-Inspector Varadachar —	April 6th —	4
		4
Assistant Inspector Narasimhaiya	June 1st —	1
	" 7th —	2
	Total —	3
		28

3. Assistant Inspector Laksmu Naranappa is thus responsible for delaying the prosecution in 21 Cases. His explanation is that he was engaged in detecting Cases of illicit tapping from the 1st to the 11th March 1902, that he went

went to Chickamagalur on the 14th idem to institute prosecutions, but that on the 15th the Divisional officer Mr. Mathan, sent for his Registe &c for inspection and that he was placed under suspension from that date, although he actually delivered over charge of his office on the 30th idem. As Col 2 of the statement given in para 2 of Mr. Bavarao's docket No: 119 shews that between the 4th and the 11th March 1902, this Assistant Inspector detected 12 cases, his explanation for delay in instituting prosecutions may be accepted.

4. Sub Inspector Varadachar was simply in charge of the current duties of the circle from the 1st to 11th April 1902. Hence he cannot be held responsible for not putting up the Charge sheets before the magistrate.

5. Assistant Inspector Narasimhaiya took Charge of the circle on 11th April 1902, when there were 25 cases pending institution in the magistrate's Court. In June 1902, he himself detected 3 more cases. All these cases he placed before the magistrate on the 23rd June 1902. His explanation is that owing to the Confused Condition of the records of the circle, and his employment on the duty of publishing the sale notices of the year 1902-03 and marking the trees required by farmers in the months of April & May he was not able to — institute the prosecutions in the 28 Cases

in

in question earlier than the 23rd June. He also states that he brought the matter to the notice of the Excise Inspector on the 3rd May 1902 and requested him to depute the Assistant Inspector of the Kalasapur circle for the work but that this request was not complied with. Narasimhaya's explanation is not satisfactory, though it must be noted in justice to him that the last quarter of the official year is always a busy season for the Excise officials.

6. The Excise Inspector and the Divisional officer should also have seen that the orders passed for the prosecution of the offenders were duly carried out without unnecessary delay.

7. I regret the delay that has occurred in submitting this report. It was due to the non-receipt of the Divisional officer's report till the 19th instant.

I have &c—
(Sd) M. Narain Rao.
Deputy Commissioner
Kadur District

From
J. BavaRao Esquire
Excise Divisional officer
Kadur Division

To
M. Narain Rao Esquire
Deputy Commissioner
Kadur District.

Dated 11/18th April 1903
No: 119 Enc one file as per ferist enclosed—

The

The Deputy Commissioner's official memo no: 787 dated 24th November 1902, forwarding copy of the Excise Commissioner's official memo no: $\frac{3009}{50}$ dated 22nd November 1902 Communicating the Government order no: $\frac{242}{Ex}$ dated 21st November 1902, Calling for a report on the delay in instituting Certain Excise Cases in the Chick-magalur Taluk Magistrates' Court.

With reference to the above, has the honour to state that the number of Cases instituted on the same day viz 1st July 1902 was 28. It would appear from the enclosed records that the Cases under reference were taken by Acting Assistant Inspector Narasimhiga to the Magistrates' Court on the 23rd June 1902, but they were taken on the Magistrates' file on the 1st July 1902. Assistant Inspector Lakshmi Naranappa was not reduced to a Sub Inspectorship on account of the delay in instituting these Cases.

2. The subjoined statement shows the delay on the part of the officials

officials Concerned :-

Serial crime report No: of the Alduor circle	Date of detection	Date of order for prosecution by the Excise Inspector	Date of receipt of the prosecution order by the Asst Inspector	Date of institution of the Case	By whom instituted.
14	29·12·1901	6·3·1902	15·3·1902	23·6·1902	
15	31·1·1902	1·4·1902	4·4·1902	Do	
16	31·1·1902	28·5·1902	1·6·1902	Do	
17	31·1·1902	1·4·1902	4·4·1902	Do	
18	31·1·1902	6·3·1902	9·3·1902	Do	
18 A	2·2·1902	5·2·1902	8·2·1902	Do	
19	14·2·1902	1·4·1902	4·4·1902	Do	
20	18·2·1902	26·2·1902	1·3·1902	Do	
21	20·2·1902	26·2·1902	1·3·1902	Do	
22	20·2·1902	26·2·1902	1·3·1902	Do	
23	20·2·1902	26·2·1902	1·3·1902	Do	
24	20·2·1902	26·2·1902	1·3·1902	Do	
25	21·2·1902	26·2·1902	1·3·1902	Do	
26	2·2·1902	1·4·1902	4·4·1902	Do	
27	4·3·1902	11·3·1902	14·3·1902	Do	
29	4·3·1902	11·3·1902	14·3·1902	Do	
31	5·3·1902	11·3·1902	14·3·1902	Do	
32	5·3·1902	11·3·1902	14·3·1902	Do	
33	5·3·1902	11·3·1902	14·3·1902	Do	
34	5·3·1902	11·3·1902	14·3·1902	Do	
35	7·3·1902	11·3·1902	14·3·1902	Do	
36	10·3·1902	15·3·1902	18·3·1902	Do	
37	10·3·1902	15·3·1902	18·3·1902	Do	
38	11·3·1902	15·3·1902	18·3·1902	Do	
39	11·3·1902	15·3·1902	18·3·1902	Do	
40	11·3·1902	15·3·1902	18·3·1902	Do	
51	22·5·1902	5·6·1902	7·6·1902	Do	
52	22·5·1902	5·6·1902	7·6·1902	Do	

Instituted by Alduor circle Acting Assistant Inspector H. Narasimhiah who succeeded Lakshmi Narasappa after he was suspended.

Delay Caused Asst Inspr Lakshminarasimha	Delay Caused by Acting Assistant Inspector Narasimhiah	Remarks
14 days	2 months and 11 days	Where receipt dates of crime reports are not noted by the Assistant Inspectors, 3 days are allowed for transmission.
—	— Do —	
—	25 days	
—	2 months and 11 days	
20 days	— Do —	* should be 15.3.02
one month + 9 days	— Do —	* should be 25.2.02
—	— Do —	Crime report Nos: 14. 15. 16. 17. 18
29 days	— Do —	and 19 and 26 were under
— Do —	— Do —	correspondence between the
— Do —	— Do —	Divisional office, Range Inspector's
— Do —	— Do —	office and the Assistant Inspector's
— Do —	— Do —	office.
—	— Do —	
15 days	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
12 days	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
— Do —	— Do —	
—	15 days	
—	— Do —	

(3) According

3. According to the practice then in vogue, the crime reports were being submitted to the Divisional officer for orders. There has been some delay in transmission of the crime reports nos: 14. 15. 16. 17. 18. 19 and 26 from — one office to another. The practice of submitting each and every crime report for orders to the Divisional officer has since been put a stop to and the Inspectors have been ordered to submit copies of crime reports immediately after the case is detected for the Divisional officer's information and not to delay presenting charge sheets to the Magistrate's Court except in cases of doubt or difficulty or where departmental disposal or Compo- -sition of offences is recommended.

4. Chikmagalur Range Inspector's report no: 857 dated 22nd February 1903 together with its enclosures is herewith enclosed. Assistant Inspector Laksminaranappa in his explanation states that he — handed over charge of his circle on the 15th March 1902, but he seems to have actually made over charge only on the 30th March 1902.

5. It is observed that in many instances the Assistant Inspectors have failed to note the date of receipt of crime reports from the Range Inspector on the crime reports. In calculating the delay of the officials concerned, where no receipt dates are mentioned in the crime reports 3 days are allowed for transmission.

6. All the connected records are hereto attached under ferist together with the explanation of the officials concerned.

(Sd) T. Bava Rao
Divisional officer
Kadur Division

"Copy"

(Sd) M. Narain Rao
Deputy Commissioner
Kadur District.

From

The Excise Commissioner
in Mysore

To

The Deputy Commissioner
Kadur District.

Dated 29/30 th April 1903.

No. 6576/107.

The Deputy Commissioner's letter no: 170, dated 25th/27 instant.

In reply

In reply has the honour to request to be informed what punishments the Deputy Commissioner would give to the Assistant Inspectors who delayed the prosecution of Cases.

2. As laid down in Sections 50 and 51 of the Excise Regulation, it was the Excise Inspectors' duty to have completed the investigation and forwarded the charge sheets &c. to the magistrate having jurisdiction on receipt of orders from the Excise Divisional officer. The Inspector should have accordingly prepared necessary Charge sheets and laid them or Caused to be laid before the magistrate without the least delay, as per the procedure prescribed in the said Regulation. The Excise Inspector should be called upon to submit his explanation as to why he failed in his duty.

3. In this office Circular no: $\frac{1946-85}{8}$, dated 9th September 1898, it has been ordered that Excise Inspectors should not ask for the orders of the Divisional officer

to

to institute prosecutions, but should under the powers vested in them by the Regulation, lay the charges before the Magistracy without delay. Why was not this order duly acted up to ?

(Sd) S. Venkata Ranga Dy Engr
For Excise Commissioner
in Mysore

From
M. Narain Rao Esquire
Deputy Commissioner
Excise Department -
Kadur District

To
P. N. Purnaiya Esquire
Excise Commissioner
in Mysore

Dated 9/14th July 1903
General No: 5r

Enclosure: One

With reference to his docket No: 6576/107 of the 20th April 1903, has the honour to forward a copy of the Excise Divisional officers' letter No: 224 of the 21st June 1903, and to state that the undersigned agrees with M. Bava Rao as to the punishments to be inflicted on Assistant Inspectors Narayanappa and Narasimhaiya

2. The explanation of the Excise Inspector regarding the delay caused by him is herein enclosed, as called for in para 2 of the reference under reply.

(Signed) M. Narain Rao.
Deputy Commissioner
Kadur District

Copy.

Excise Commissioner
Ex officio Inspr.

Mysore Govt., Gen. & Rev. Secretariat

Excise Branch

File No. (if any) and its date—

Dec 1 1903

Office Draft. 21

3

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Serial No. 3

Read ~~from~~ Court proc. no 242-4 of 28th Nov 02, Collector for a full report, from the Excise Comptr in ~~regard~~ report, of the circumstances under which there was considerable delay in initiating proceedings in respect ~~Order:~~ of certain excise offences in the Chik nayakan Taluk.

Read:— Letter no. 686-24 of 20th July 03 from the Excise Comptr in Mysore ~~referring~~ giving copies of correspondence on the above subject & stating that the Inspector & the Asst Inspector are responsible for the delay have been suitably

95

Received

Order. No 118
Ex

1st 6/8/03.

Recorded

4/8/03

Secy

Order 118/03

To the Estate Comptr

in person

035-06
Issued
2.VIII.03

Order 578.

Issue
6/8/03.